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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-eighth session

SUMMARY RECORD OF THE 1462nd MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 22 March 2001, at 10 a.m.

Chairman: Mr. FALL (Vice-Chairman)
Later: Mr. VALENCIA RODRÍGUEZ (Vice-Chairman)
Later: Mr. FALL (Vice-Chairman)
Later: Mr. SHERIFIS

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GE.01-41115 (EXT)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Draft concluding observations concerning the initial report of Georgia (CERD/C/58/Misc.25/Rev.2)

Paragraphs 1 and 2

1. Paragraphs 1 and 2 were adopted.

Paragraph 3

2. Mr. SHAHI said that, in paragraph 3, the Committee rightly recognized that the Georgian Government was not in control of all the national territory. He regretted that the Committee had not made the same observation with regard to some other States parties and hoped that it would do so in future.

3. Mr. THORNBERRY said that paragraph 3 reflected the difficulties stemming from the ethnic and political conflicts faced by Georgia, but it might be inferred that, since the conflicts had been given dates, they ended, and that was not the case. He therefore proposed that the dates should be deleted.

4. Paragraph 3, as amended, was adopted.

5. Mr. Valencia Rodríguez took the Chair.

Paragraphs 4 to 7

6. Paragraphs 4 to 7 were adopted.

Paragraph 8

7. Mr. ABOUL-NASR said he was astonished that the Committee should still be calling on States parties to condemn apartheid although that phenomenon had disappeared in South Africa.

8. Mr. FALL (Country Rapporteur) recalled that the Committee had discussed the matter when drawing up the document recapitulating its general recommendations and decisions of general interest (CERD/C/365/Rev.I). It had been agreed at the time that apartheid had been an ideology and that there were no grounds for asserting that it could not recur, even though it had been abolished as a State system in South Africa. In any case, States parties were still called upon to condemn apartheid pursuant to article 3 of the Convention.

9. Paragraph 8 was adopted.

Paragraphs 9 to 13

10. Paragraphs 9 to 13 were adopted.

Paragraph 14

11. Mr. ABOUL-NASR, supported by Mr. DIACONU, said he was surprised at the inclusion of paragraph 14, which dealt solely with religious freedom; the subject had nothing to do with the Convention and he therefore proposed the paragraph's deletion.

12. Mr. FALL (Country Rapporteur) recalled that the religious conflicts between the Orthodox Church and other faiths in Georgia were mentioned in the State party's report and had been referred to during the dialogue with the Georgian delegation.

13. Mr. SHAHI said that, in the case of Georgia, religious and ethnic conflicts were closely linked and that the Committee was undoubtedly right to express its concern about the matter in that particular case, even though the Convention did not directly relate to religious intolerance.

14. Mr. PILLAI said that paragraph 14, as worded, failed entirely to bring out any connection between religious and ethnic conflicts and that he was therefore in favour of its deletion.

15. Paragraph 14 was deleted.

Paragraph 15

16. Mr. SHAHI noted that, in paragraph 15, the Committee requested the Georgian Government to take the necessary measures to facilitate the return of Meskhetians to the country. While welcoming the request, he proposed that it should be stated, at the end of the paragraph, that the measures should also enable them to acquire Georgian nationality on their return.

17. Paragraph 15, as amended, was adopted.

Paragraphs 16 to 21

18. Paragraphs 16 to 21 were adopted.

19. The draft concluding observations concerning the initial report of Georgia, as amended, were adopted, subject to the renumbering of the paragraphs.

20. Mr. Fall resumed the Chair.

Draft concluding observations of the Committee concerning the eleventh periodic report of Bangladesh (CERD/C/58/MISC.26/Rev.2)

Paragraph 1

21. Paragraph 1 was adopted.

Paragraph 2

22. Mr. YUTZIS proposed that the word "detailed" in the first sentence should be deleted.

23. Paragraph 2, as amended, was adopted.

Paragraphs 3, 4 and 5

24. Paragraphs 3, 4 and 5 were adopted.

Paragraph 6

25. Paragraph 6 was adopted.

Paragraph 7

26. After a discussion on whether reference should be made to the "high incidence of poverty" and its effect on enjoyment of the rights provided for in article 5 of the Convention, in which Mr. ABOUL-NASR, Mr. PILLAI, Mr. DIACONU, Mr. SHAHI, Mr. TANG and Mr. YUTZIS took part, the Committee decided, on a proposal by Mr. PILLAI, to delete paragraph 7.

27. Paragraph 7 was deleted.

Paragraph 8

28. Mr. THORNBERRY proposed that, in the second sentence, the word "information" should be preceded by the word "disaggregated". He also proposed that, in the last sentence, the word "may" should be replaced by the word "should".

29. Paragraph 8, as amended, was adopted.

Paragraph 9

30. Mr. ABOUL-NASR proposed that, in the second sentence, the words "the provisions of" should be followed by the words "article 4 of". The sentence would thus read: "The Committee recommends the State party to consider giving full effect to the provisions of article 4 of the Convention".

31. Mr. SHAHI proposed that the word "remedies" in the eighth line should be followed by the words "under article 6". The second sentence would then read: "The Committee recommends the State party to consider giving full effect to the provisions of article 4 of the Convention, in its domestic legal order, to ensure penalization of acts of racial discrimination, as well as to ensure access to effective protection and remedies under article 6", the subsequent wording remaining unchanged.

32. Paragraph 9, as amended, was adopted.

Paragraphs 10 to 21

33. Paragraphs 10 to 21 were adopted.

34. The draft concluding observations of the Committee concerning the eleventh periodic report of Bangladesh, as amended, were adopted.

35. Mr. Sherifis took the Chair.

Draft concluding observations of the Committee concerning the fifteenth periodic report of Greece (CERD/C/Misc.24/Rev.2)

36. Mr. RECHETOV (Country Rapporteur) said that the draft concluding observations under consideration had been drawn up with the help of the secretariat and included the amendments suggested by the members of the Committee.

Paragraphs 1 to 3

37. Paragraphs 1 to 3 were adopted.

Paragraph 4

38. Mr. DIACONU proposed that the last part of the sentence, from the word "and" to the end, should be deleted, since that was an undertaking States parties assumed on ratifying the Convention and it thus went without saying.

39. Paragraph 4, as amended, was adopted.

Paragraphs 5 and 6

40. Paragraphs 5 and 6 were adopted.

Paragraph 7

41. Mr. SHAHI, referring to a comment by Mr. THORNBERRY, proposed that the word "Deontology", not a current term in English, should be followed by the term "ethics" in parentheses.

42. Paragraph 7, as amended, was adopted.

Paragraph 8

43. Paragraph 8 was adopted.

Paragraph 9

44. Mr. de GOUTTES, referring to an objection by Mr. ABOUL-NASR, who pointed out that the Committee did not know whether all minorities participated in political life in Greece, proposed that the beginning of the paragraph should be amended to read: "The Committee notes the information provided by the State party that ...".

45. Paragraph 9, as amended, was adopted.

Paragraph 10

46. Paragraph 10 was adopted.

Paragraph 11

47. Mr. SHAHI noted that the repeal of the article of the Code in question had had a retroactive effect for the many persons deprived of their citizenship while the measure had been in force. It therefore seemed to him inappropriate to mention that repeal in the context of positive aspects.

48. Mr. RECHETOV (Country Rapporteur) proposed that the paragraph should be deleted.

49. Paragraph 11 was deleted.

Paragraph 12

50. Paragraph 12 was adopted.

Paragraphs 13 and 14 (new paragraph 13)

51. Mr. DIACONU proposed that paragraphs 13 and 14 should be replaced by a new paragraph, to be worded: "While noting that the report of the State party refers to 'the Muslim minority of western Thrace' and within it to Turkish, Pomak and Roma groups, and not to other ethnic groups in the country, the Committee draws the attention of the State party to its General Recommendations VIII (38) and XXIV (55) in this regard". He recalled that a similar paragraph appeared in the Committee's concluding observations concerning the fifteenth periodic report of Germany.

52. Mr. SHAHI supported the proposal made by Mr. Diaconu and further proposed that the full headings of the General Recommendations in question, not simply their numbers, should be given.

53. The new paragraph 13, as proposed by Mr. Diaconu and amended by Mr. Shahi, was adopted.

Paragraph 15

54. Mr. YUTZIS, noting that, in paragraph 15, the Committee encouraged the State party to build upon its education programmes in order to counter negative stereotypes and promote the objectives of human rights and tolerance, drew attention to the meaning of the word "tolerance" which was weak and which the Committee ought to consider at another time. It would be better to use the word "recognition", which was the opposite of "intolerance".

55. Mr. DIACONU proposed that the words "the objectives of human rights and tolerance" should be replaced by the words "the objectives of the Convention".

56. Paragraph 15, as amended, was adopted.

Paragraph 16

57. Mr. ABOUL-NASR proposed the deletion of the word "linguistic" before the words "minority populations".

58. Paragraph 16, as amended, was adopted.

Paragraph 17

59. Mr. THORNBERRY said that the reference to the Sidiropoulos v. Greece case without further detail was unclear. He also noted that the Macedonian community was not mentioned in any other paragraph of the draft concluding observations. He therefore proposed that the words "and its implications fully taken into account in legal and policy developments affecting people of Macedonian origin" should be added after the words "and urges that the decision be widely disseminated within and beyond legal and judicial circles".

60. Mr. YUTZIS said he also thought that the Macedonian community should be mentioned in the draft concluding observations.

61. Mr. de GOUTTES said that paragraph 17 was unclear and should be either substantially amended or deleted.

62. The CHAIRMAN, having called for a show of hands to indicate whether the Committee preferred to maintain or delete the paragraph, noted that a majority of Committee members supported its deletion.

63. Paragraph 17 was deleted.

Paragraph 18

64. Paragraph 18 was adopted.

Paragraph 19

65. Mr. FALL proposed that paragraph 19 should be drafted more briefly and simply and that, in any case, the reference at the end to the majority or other groups in the population should be deleted.

66. Paragraph 19, as amended was adopted.

Paragraph 20

67. Mr. RECHETOV (Country Rapporteur) proposed that the last part of paragraph 20, after the words "the principles of the Convention", should be replaced by the words "by law enforcement officials".

68. Paragraph 20, as amended, was adopted.

Paragraphs 21 to 24

69. Paragraphs 21 to 24 were adopted.

New paragraph

70. Mr. de GOUTTES proposed the addition of a new paragraph in which the State party would be requested to provide information on proceedings and judgements in cases of racial discrimination. He recalled that such a paragraph had been incorporated in a number of concluding observations relating to reports by States parties and proposed, as an example, the one adopted in the concluding observations concerning the initial report of Georgia, namely, "The Committee recommends the State party to include, in the next periodic reports, statistics on cases where the relevant provisions of the Civil Code and the Penal Code have found application".

71. The new paragraph proposed by Mr. de Gouttes was adopted.

72. Mr. SHAHI said he regretted that, following the deletion of paragraph 17, the draft concluding observations did not state that communities must be free to manage their own associations, including charities.

73. Mr. THORNBERRY said he regretted that, since paragraph 17 had been deleted and his proposal to amend it had not been adopted, the text of the concluding observations contained no reference to the Macedonian community, which did exist after all.

74. Mr. YUTZIS said that he endorsed the point made by Mr. Thornberry.

75. In the light of those comments, the draft concluding observations concerning the fifteenth periodic report of Greece, as amended and subject to drafting amendments, were adopted.

The meeting rose at 1 p.m.